

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMPANY APPLICATION NO.202 OF 2018

IN

COMPANY PETITION NO.507 OF 2002

SICOM Limited

....Applicant

IN THE MATTER BETWEEN :

MMTC Limited

....Petitioner

Vs.

Official Liquidator of Hanuman

Vitamins Foods Ltd. (In Liqn.)

....Respondent

Mr. Hemant Prabhulkar a/w. Ms. Prerana Adhav i/b. Jurisperitus Mumbai for applicant.

Ms. Khushboo Agarwal i/b. M.V. Kini and Co. for original petitioner.

Mr. Mahendhar Aithe, Company Prosecutor for Official Liquidator present.

CORAM : K.R.SHRIRAM, J.

DATE : 5th JUNE, 2018

P.C.:

1 Mr. Aithe, Company Prosecutor for Official Liquidator states that the land bearing Gat No.37, Old Survey No.13, Hissa No.1 admeasuring 1 H 40 R equal to 14,000 square metres or thereabouts within the Village limits of Januna Taluka, Registration Sub-District Khamgaon, District – Buldhana (the said plot) is part of a larger property. Mr. Aithe further states that after the company was ordered to be wound up in March 2016, International Asset Reconstruction Company Private Limited (IARC) took possession of all the assets belonging to the company in liquidation. Official Liquidator was under the belief that the said plot was also part of all the assets of which IARC took possession. Mr. Aithe states that after the present

application was served upon Official Liquidator, office of Official Liquidator address a communication to IARC bringing to the notice of IARC the application and the stand of applicant herein. Mr. Aithe states that IARC vide letter dated 31st May 2018, which he states was received by the office of Official Liquidator only on 1st June 2018, has informed Official Liquidator that IARC have charge only on Gat No.38 (adjoining to plot no.37) and IARC has not taken any action as regards Gat No.37 as the same is exclusively mortgaged to SICOM Limited. Mr. Aithe states that copy of this letter has also been marked to SICOM Limited. Mr. Aithe tenders an affidavit of Assistant Official Liquidator affirmed on 4th June 2018 which is taken on record and further states that at this point of time, Official Liquidator is unable to accept or concur with IARC or with applicant herein that the said plot is mortgaged to applicant and they have an exclusive charge over the said property.

2 Mr. Aithe states that now that IARC has given this clarification, the office of Official Liquidator will take immediate steps to dispose of the said plot. Official Liquidator is also directed to consider any prospective purchaser introduced by applicant herein, the intention being to obtain the best possible price for the said property.

3 Application accordingly stands disposed.

(K.R. SHRIRAM, J.)